

ISSUE INDEX

The Issue Index is arranged alphabetically. The issue headings appear on the left margin underlined and in bold. Below each heading you will find short, descriptive summaries of the Commission's rationale and holdings. Each summary, in turn, is followed by a citation to the applicable 2003 Commission decision.

NOTE: The summaries are not law. Please refer to the official Commission decisions for the actual text, rationale, and holdings.

Burden of Proof

In cases involving Rule 190 discipline, the state must prove its case by a preponderance of the evidence.

Karr v. Division of Veterans Services, State of Idaho, IPC No. 01-19 (Decision and Order on Petition for Review, March 17, 2003)

Evidence

Relevant evidence is evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence. I.R.E.401.

Karr v. Division of Veterans Services, State of Idaho, IPC No. 01-19 (Decision and Order on Petition for Review, March 17, 2003)

Record of the Proceedings

While I.C. § 67-5316(5) requires “[a] verbatim record of the proceedings at hearings before . . . a hearing officer shall be maintained either by electrical devices or by stenographic means”, prehearing motions that do not involve the taking of evidence do not fall within the statute’s mandate nor is it required by applicable rule.

Anderson v. Department of Transportation, IPC No. 97-10 (Order on Appellant’s Corrections to the Transcript and Record, February 10, 2003)

Idaho Code §67-5316(5) contemplates a recording of the **evidentiary** hearings before the hearing officer. Proceedings where no evidence is presented and no facts are in dispute do not need to be recorded electronically or stenographically. The Hearing Officer may consider and decide prehearing motions with or without oral argument or hearing.

Anderson v. Department of Transportation, IPC No. 97-10 (Order on Appellant’s Corrections to the Transcript and Record, February 10, 2003)

Standard and Scope of Review

On appeal to the Commission, matters are assigned to a hearing officer who conducts a full evidentiary hearing and may allow motion and discovery practice before entering a decision containing findings of fact and conclusions of law.

Karr v. Division of Veterans Services, State of Idaho, IPC No. 01-19 (Decision and Order on Petition for Review, March 17, 2003)

When considering a petition for review, the Commission reviews the record of the proceeding below together with any briefs or transcripts submitted by the parties.

Karr v. Division of Veterans Services, State of Idaho, IPC No. 01-19 (Decision and Order on Petition for Review, March 17, 2003)

Findings of fact made by the hearing officer must be supported by substantial, competent evidence.

Karr v. Division of Veterans Services, State of Idaho, IPC No. 01-19 (Decision and Order on Petition for Review, March 17, 2003)

The Commission exercises free review over issues of law.

Karr v. Division of Veterans Services, State of Idaho, IPC No. 01-19 (Decision and Order on Petition for Review, March 17, 2003)

On petition for review, the Commission may “affirm, reverse or modify the decision of the hearing officer, may remand the matter, or may dismiss it for lack of jurisdiction.” Idaho Code § 67-5317(1).

Karr v. Division of Veterans Services, State of Idaho, IPC No. 01-19 (Decision and Order on Petition for Review, March 17, 2003)